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In re Application of :
ASAMURA *et al* :
Application No.: 10/596,635 :
PCT No.: PCT/JP2005/00190 :
Int. Filing Date: 11 January 2005 :
Priority Date: 30 January 2004 :
Attorney Docket No.: 90606.162/ym :
For: MOUNTING STRUCTURE FOR FUEL :
PUMP OF VEHICLE ENGINE AND :
VEHICLE INSTALLING THE SAME :

DECISION

This is a decision on the declaration filed on 13 December 2006 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 04 December 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497 and a surcharge fee. Applicants were given two months to respond with extensions of time available.

On 13 December 2006, applicants filed a declaration executed by two of the three named inventors and by a legal representative on behalf of a deceased inventor along with the surcharge fee.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

A review of the declaration shows that it is not in compliance with 37 CFR 1.497(a) and (b). The declaration is required to list the citizenship, residence and address of the legal representative pursuant to 37 CFR 1.497(b)(2). In addition, the

citizenship information for all inventors including the deceased inventor is required.

Here, it appears that only the information for the deceased inventor is recorded on the declaration. Further, the declaration contains foreign language text, but it is not a USPTO form and is not accompanied by a statement that the English text is an accurate translation of the foreign text. See 37 CFR 1.69. As such, the declaration cannot be accepted for this reason also.

CONCLUSION

For the reasons discussed above, the papers filed under 37 CFR 1.42 are **DISMISSED**.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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